IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 14187 of 2007(L)

PETITIONER:

V.SABU,KATTUKARA HOUSE, ULLAKARA,
THALAYAZHAM P.O.,VAIKOM ,KOTTAYAM DISTRICT.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

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1. STATE OF KERALA,REPRESENTED BY THE
SECRETARY,REVENUE (S)DEPARTMENT,
SECRETRIAT,THIRUVANANANTHPAURAM.

2. SECRETARY TO GOVERNMENT,
LABOUT DEPARTMENT,
SECRETRIAT,THIRUVANANANTHPAURAM.

3. THE WELFARE FUND INSPECTOR,
KERALA STATE TODDY WORKERS WELFARE FUND BOARD,
KOTTAYAM.

4. THE TAHSILDAR (RR),
VAIKOKM.

BY ADV. SRI.A.K.JOHN, SC, KTWWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 14187/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PRE ASSESSMENT NOTICE DATED 21/01/2004 ISSUED BY THE 3RD RESPONDENT.

P2 : COPY OF THE NOTICE ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT DATED 07/06/1999 BY THE 4TH RESPONDENT.

P3 : COPY OF THE NOTICE ISSUED UNDER SECTION 36 OF THE REVENUE RECOVERY ACT DATED 23/09/1999.

P4 : COPY OF the LETTER DATED 07/03/2000 ISSUED BY THE 1ST RESPONDENT.

P5 : COPY OF THE CHART SHOWING THE DETAILS OF PAYMENTS.

P6 : COPY OF JUDGMENT DATED 30/01/2007 IN WP(C) No. 10509/2006.

P7 : COPY OF THE JUDGMENT DATED 17/11/2005 IN WP(C) No. 12768/2005.

P8 : COPY OF THE POSTAL RECEIPT.

P9 : COPY OF THE NOTICE DATED 29/03/2007 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.

P10 : COPY OF THE NOTICE DATED 29/03/2007 ISSUED UNDER SECTION 36 OF THE REVENUE RECOVERY ACT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14187 of 2007

Dated, this the 14th day of August, 2007

J U D G M E N T

Prayer in the writ petition is for direction to respondents to permit settlement by reducing interest. Learned counsel appearing for Kerala State Toddy Workers Welfare Fund Board submitted that the Division Bench in Writ Appeal No. 567/06 has reversed the judgment of the learned Single Judge reducing the interest. In other words, statutory rate of interest cannot be reduced. In the circumstances, petitioner is liable to pay the balance amount with the statutory rate of interest, which is shown in the counter affidavit. Since the amount to be paid now for settlement by the petitioner is quite high, petitioner is granted ten equal monthly instalments to clear the arrears with interest, first of which will be paid on or before 15/09/2007 and balance on or before 15th day of nine succeeding months thereafter. Revenue recovery will be kept in abeyance for payment as above. However, if petitioner commits default in payment of any of the instalments, the instalment facility granted will stand automatically vacated on first default and respondents can proceed for recovery of entire arrears with interest. No collection charges will be recovered from the

petitioner, if payments are voluntarily made by him.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg